

CITY OF MORGAN HILL  
SPECIAL AND REGULAR CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES - APRIL 19, 2000

Mayor/Chairman Kennedy called the meeting to order at 6:39 p.m.

**ROLL CALL**

Present: Council/Agency Members Chang, Cook, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

**OTHER BUSINESS:**

**1. APPOINTMENTS TO THE LIBRARY COMMISSION**

Recreation Manager Spier presented the staff report and recommended that the City Council interview the six Library Commission applicants and that the Mayor appoint four of the applicants to fill three seats for terms expiring April 1, 2002 and one applicant to fill a term expiring April 1, 2001. She informed the City Council that it has been indicated that Charles Weston has withdrawn his name from consideration.

**Action:** *The City Council **Interviewed** the following applicants for the Library Commission: Charles W. Dillman, Robert Harrington, Evelyn Kobayashi, Jeannie Gregg, Carol Holzgrafe.*

**Action:** *The City Council **cast** their ballots for four candidates. The top four candidates were as follows: Charles W. Dillman, Evelyn Kobayashi, Jennie Gregg and Carol Holzgrafe.*

**Action:** *On a motion by Mayor Kennedy and seconded by Council Member Cook, the City Council unanimously (5-0) **approved** Mayor Kennedy's appointment of Charles W. Dillman, Jennie Gregg, Evelyn Kobayashi, and Carol Holzgrafe to the Library Commission.*

Ms. Gregg agreed to serve a one-year term.

**Action:** *The terms of office are as follows: Jeannie Gregg to serve a one year term through April 1, 2001 and Charles W. Dillman, Evelyn Kobayashi and Carol Holzgrafe for terms through April 1, 2002.*

**REGULAR MEETING**

Mayor Kennedy called the regular City Council and Special Redevelopment Agency meeting to order at 7:18 p.m.

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Kennedy, Recreation Manager Spier led the Pledge of Allegiance.

### **INTRODUCTIONS**

Human Resources Manager Dile introduced Janette Lapora, Human Resources Assistant; Chief of Police Schwab introduced Police Officers Max Cervantez and Eric Masunic; and Recreation Manager Spier introduced Recreation Intern Michael Gallagher and Recreation Supervisor Theresa Lugger, recently hired employees.

### **PROCLAMATIONS**

Mayor Kennedy presented a proclamation to Volunteer Coordinator Karen Lengsfeld, declaring April 9 - 15, 2000 as *National Volunteer Week*.

### **CERTIFICATE OF RECOGNITION**

Mayor Kennedy presented a Certificate of Recognition to Phyllis Thomas for her service to the community in various capacities.

### **PRESENTATIONS**

Environmental Programs Manager Eulo introduced Julie Osborne, South Valley Disposal and Recycling Coordinator. Ms. Osborne introduced and recognized the following: Burns Family as the *Residential Recyclers of the Year*; and Bill Chase, AlphaGraphics and Steve VonDerach, Anritsu as *Business Recyclers of the Year*.

Mr. Eulo and Mayor Pro Tempore Tate introduced and recognition of Poster Contest Winners. Mr. Eulo announced that April 21 and 22 are Morgan Hill "*Recycling Days*."

Recreation Manager Spier made a presentation on the upcoming Recreation Programs.

Kelly Mercurio invited the City Council and the public to the Leadership Morgan Hill Class 2000 *Art Ala Carte* program scheduled for Sunday May 7, 2000.

### **CITY COUNCIL REPORT**

Council Member Sellers addressed the Housing and Community Services committee that he serves on. He said that the success of Silicon Valley has down sides. One of the down sides is that individuals who need housing are having difficulty finding adequate housing and holding on to the housing they currently own. The committee is trying to provide additional funding to Project Sentinel to allow them to continue to help individuals in Morgan Hill keep their homes and work through problems with landlords.

### **INTERIM CITY MANAGER'S REPORT**

Interim City Manager Tewes reported on the following: 1) The Fiscal Year 2000-2001 budget will be presented to the City Council on May 24, 2000 and that a series of workshops are to be scheduled to provide the public with the opportunity to comment. 2) Over the past week, the City has issued Requests for Proposal to over 20 individuals or organizations who have expressed an interest in providing medical services in the community. Anyone interested in submitting a proposal is asked to do so by May 1, 2000. 3) Staff is working with the City Attorney's office regarding changes to the rental structure for the Las Casas de San Pedro residential project. He indicated that the Senior Housing Trust Fund provides emergency assistance for low income seniors. It would be appropriate to use this program to provide some assistance in meeting the increased security deposits being required.

### **INTERIM CITY ATTORNEY'S REPORT**

Interim City Attorney Leichter informed the City Council that staff will be conducting an inspection of the Las Casas de San Pedro in the near future. A building inspector will inspect for habitability conditions. She indicated that a demand letter has been sent to the property owner requesting that they comply with the representation they made to the city. Staff has received a response which was not completely satisfactory. The property owners have agreed to meet with staff to discuss what the city's demands are in lieu of going to court. In addition, staff has been in contact with County Counsel's office. She indicated that the County and City are joining forces to have a joint meeting with the property owners to try to place increased pressure to hold the rents stable for the current senior tenants and to restore some services.

### **PUBLIC COMMENT**

Mayor Pro Tempore Tate, on behalf of Mayor Kennedy, presented Mr. and Mrs. Swingley a Proclamation in Recognition of their son's, Doug Swingley, for winning the recent Alaska Iditarod.

Eileen Kennedy informed the City Council that she has been working with some of the Las Casas de San Pedro residents. She stated that the residents appreciate all the work done by Interim City Attorney Leichter. She indicated that existing conditions are not only a health hazard but a safety hazard in some of the units. She requested that there be a reinstatement of a full time property manager, the reuse of the shuttle van, and that rents be rolled back. She indicated that the deadline to satisfy the demand issues was Saturday, April 15, 2000. She acknowledged that the property owners have replied but that the owners have not meet the demands. She felt that it would be helpful to have a representative from the Las Casas de San Pedro residents be included in meetings in order

to keep the residents informed.

Interim City Attorney Leichter felt that it would be acceptable to include a representative from the Tenant's Association in the meeting with the property owner, City and the County.

Keith Robertson appreciated all the efforts being taken by the City Council and staff to assist the Las Casas de San Pedro residents. He indicated that no maintenance is taking place, noting that repairs are started but not completed.

John Scully, Las Casas de San Pedro resident, indicated that his security deposit and rent have increased. He confirmed that repairs are not being made to the units.

Rod Murcay, Pastor for the First Baptist Church located at the corner of Crest and Main Avenue, informed the City Council that last year he made an application to place signs on the Church buildings. Church representatives were advised by staff that they could not install signs because the sign ordinance would not allow attached signs to businesses located within residential zoning districts. Signs were installed with the anticipation of sign ordinance amendment. He indicated that the sign permit was denied again based on the fact that the new ordinance allows 18 inch lettering, noting that the sign lettering is 20 inches. He said that applications to amend the zoning or to request a variance costs thousands of dollars for a two inch difference in sign height. He requested that his sign be referred back to staff for reconsideration.

Interim City Manager Tewes stated that he would look into the matter and report back to the City Council.

Ava Geddes, Member of the Board of Director for Town Cats, thanked the Mayor, City Council and staff for its assistance in the approval of a special use permit for a rummage sale. She stated that it was a successful event due to the city's assistance. She hoped that this is just the beginning of a long partnership between the City of Morgan Hill and Town Cats to develop and implement a model program addressing the feline over population in Morgan Hill.

Dennis Pinion, representing Pine Ridge Association, Henry Coe State Park volunteers, requested that the City Council authorize the City Manager to waive the temporary use permit for a fundraiser event, including the \$500 cleaning deposit based on past years' demonstration that the fundraiser event places no burden on the City.

Interim City Manager Tewes informed the City Council that fees are established by ordinance and resolution. He indicated that it has been staff's recommendation, in the past, when such requests are received, that the City Council appropriate funds to pay for the fees, if appropriate, versus waiving fees.

Mayor Kennedy requested that staff agendaize this request for future City Council consideration.

## ***City Council Action***

## **CONSENT CALENDAR:**

Council Member Cook requested that Item 9 be pulled from the Consent Calendar.

**Action:**        *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Items 1-8 and 10-12 as follows:*

2.        **MARCH FINANCE AND INVESTMENT REPORT**

**Action:** ***Accepted and filed** report.*

3.        **AWARD BID AND AUTHORIZE THE PURCHASE OF “RUGGED” COMPUTER NOTEBOOKS**

**Action:** *1) **Awarded** the Bid in the Amount of \$29,795 to Purchase “Rugged” Computer Notebooks, and 2) **Authorized** the City Manager to Complete the Purchase.*

4.        **AMENDMENT TO ANNUAL MAINTENANCE CONTRACT WITH SALINAS PUMP COMPANY, INC. FOR WELL MAINTENANCE**

**Action:** ***Approved** the Amendment to the Agreement Dated August 26, 1999 to Increase Maximum Compensation from \$30,000 to \$60,000.*

5.        **APPROVAL OF CONTRACT FOR PREPARATION OF DRINKING WATER SOURCE ASSESSMENT AND PROTECTION PROGRAM STUDY**

**Action:** ***Approved** the Professional Services Contract with Luhdorff and Scalmanini, Consulting Engineers (LSCE) to Complete a Drinking Water Source Assessment and Protection Program (DWSAPP) Study.*

6.        **APPROVAL OF AMENDMENT #3 TO TRANSIT SHELTER ADVERTISING PROGRAM**

**Action:** ***Approved** Amendment #3 to Transit Shelter Advertising Program and Authorization of Interim City Manager to Execute the Amendment on Behalf of the City.*

7.        **MODIFICATION TO THE MAY CITY COUNCIL MEETING SCHEDULE**

**Action:** *1) **Directed** Staff to Schedule a Special Meeting for May 10, 2000 and 2) **Directed** Staff to Post Notice of May 17, 2000 Meeting Cancellation.*

8.        **FINAL MAP ACCEPTANCE FOR CENTRAL PARK PH. IV (TRACT 9260)**

**Action:** *1) **Approved** the Final Map, Subdivision Agreement and Improvement Plans, 2) **Authorized** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City and 3) **Authorized** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.*

10.       **AGREEMENT WITH THE STROMBOTNE LAW FIRM**

**Action:** ***Authorized** the Interim City Manager to Execute the Consultant Agreement with the Stombotne Law Firm.*

**11. UPDATE ON AMENDING CONTRACT WITH THE SANTA CLARA COUNTY FIRE DEPARTMENT TO PROVIDE PARAMEDIC-LEVEL SERVICE**

**Action:** *Accepted Report.*

**12. SPECIAL CITY COUNCIL MEETING MINUTES FOR APRIL 10, 2000**

**Action:** *Approved the April 10, 2000 minutes as written*

**9. RECOGNIZING APRIL 22, 2000 AS "EARTH DAY"**

Council Member Cook stated that for the past three years she has worked on the County Pollution Prevention Committee and that she works hard in supporting the environment. However, she stated that she did not support bullet items 3, converting street lights to High Pressure Sodium Vapor, and 4 converting booster pumps to Variable Frequency Drive as they are budgetary commitments. She also found the last bullet item inconsistent with past Council actions. She recommended that this bullet item be removed.

Interim City Attorney Leichter said that the Resolution states that "...the City Council agrees to support the Earthday Campaign by endorsing the Clean Energy Agency and undertaking programs that further the clean and efficient use of energy within its border." Therefore, the resolution identifies examples and not commitments to abide by.

Interim City Manager Tewes said that high pressure sodium and variable frequency drive motors are approaches that can save operating costs and that investments can be made if it can be demonstrated that there is a payback period that is reasonable. He said that staff would not commit to the programs unless it can be demonstrated that the investments was worth the savings in the operating costs. With respect to lawn and garden utilities, staff is stating that the City, on City property, on Spare the Air days, would try to eliminate the use of gasoline powered lawn garden utility equipment. Staff would agree to clarify the point that this is not a city-wide commitment.

Based on staff's comments and recommended amendments, Council Member Cook stated that she could support the resolution.

**Action:** *On a motion by Council Member Cook and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0): 1) **Adopted** Resolution No. 5376 Recognizing April 22, 2000 as "Earth Day," amending the paragraph which starts with "Further" to read: "within its border **which may include but are not necessarily required** such as the following..." and 2) **Directed** Staff to Forward a Copy of the Resolution to Earth Day Network, and Request That the City of Morgan Hill be Accepted as an "Earth Day 2000 Community."*

Mayor Kennedy announced that Council Member Sellers is a proud father of a daughter.

**Action:** *It was the consensus of the City Council to **consider** item 21 at this time at the request of Mr. Tichinin.*

**OTHER BUSINESS:**

**21. AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY INC. TO CO-SPONSOR JULY FOURTH CELEBRATION**

Chief of Police Schwab presented the staff report.

Bruce Tichinin, Vice-president of Independence Day Inc. (IDI), stated IDI's support of staff's recommendation.

Council Member Sellers said that due to the change in the fireworks display, several individuals may choose not to travel to the county firework site and stay home or go to another location to view the fireworks display. He noted that the fireworks would be higher based on the use of larger firework shells than were used in previous years. He asked if it would be possible to indicate which neighborhoods would be able to view the fireworks? Mr. Tichinin responded that IDI would try to identify which neighborhoods would be able to view the fireworks.

Mayor Kennedy said that he would support the request subject to IDA finding a place in Morgan Hill next year as it is hard to support a Morgan Hill fireworks program in San Martin.

Council Member Tate said that he has visited alternative sites and that he did not believe that there was another alternative site in Morgan Hill at this time. He recommended that the City Council assist IDI finding a location in Morgan Hill.

Council Member Chang stated that she would also like to see the fireworks display moved back into Morgan Hill. She said that the soccer field may be an alternative site. She said that she would approach the soccer league and ask if they would be willing to allow the use of the soccer fields for a fireworks display.

Mayor Kennedy recommended that a subcommittee of the City Council be formed to assist IDI in trying to find a location in Morgan Hill for next year's Fourth of July Fire works display.

**Action:**      *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council unanimously (5-0) **Authorized** the Interim City Manager to Sign the Agreement to Co-sponsor the July Fourth Celebration and Support Independence Day Inc. by Contributing Funding and In-kind Services Not to Exceed \$11,500.*

**13. PROPOSED MALAGUERRA PARK PROJECT**

Public Works Director Ashcraft presented a status report on the information that staff has been able to gather and the input received from the community, to date, regarding the Malaguerra Park site.

Mori Struve, staff project manager for the Parks Master Plan, addressed the status of the Master Plan for parks facilities and recreational programming, the outcome to be expected and a timeline in terms of the process.

Mr. Ashcraft noted that the Malaguerra site is owned by the County and that it is set aside specifically for a park use. Several years ago, the County advised the City that based on funding, they would not be able to develop the site as a park. The County offered the City of Morgan Hill the ability to develop the site as a park. The city started the process, noting that an EIR was certified in 1992 to build a sports park. The process was halted due to economic reasons as well as some input received from area residents. He indicated that staff has contacted the County and indicated that the County has no new plans for using the park. The County remains receptive of entering into a partnership with the City. Therefore, the City could develop the site and maintain it in cooperation with the County as they have some recreational and regional bike trails, horse trails and other uses associated with the park. He indicated that staff has received proposals from the Morgan Hill Youth Sports Alliance and from a group of homeowners in the area on how the 38-acre Malaguerra site can be developed. Staff and the Parks and Recreation Commission believe that it is premature to make a decision on what to do with the park. However, the process of reviewing the site is in motion as part of the Parks Master Plan. It is hoped that by no later than December 2000, the project and many others will come before the City Council in the form of a Park Master Plan.

Council Member Chang asked if there is more than one location being considered to locate a sports complex? Mr. Ashcraft responded that other sites will be investigated as well as the Malaguerra site as part of the Parks Master Plan process. He noted that there are issues associated with traffic circulation, looking at neighborhoods to determine what facilities would be compatible, and development of a complex that would either draw people from a large area versus a venue that might attract only local citizens. These issues will be looked at and discussed as part of the master plan process.

In response to Council Member Cook's question, Interim City Manager Tewes stated that it would be unlawful to exclude usage of the park by individuals who reside outside the city limits. However, it would be appropriate to adopt rules and regulations about priority access, particularly on a reservation basis.

Mayor Kennedy said that he was under the impression that the County was getting impatient with the city's lack of action on the Malaguerra site. He expressed concern that the City may lose an opportunity to use the site as a park. He asked if staff was aware of any concern, on the County's part, if the city takes the time to go through the Park Master Plan process?

Mr. Ashcraft responded that he has not heard this concern stated from anyone with the County. He said that staff can send a letter to the County, outlining the city's process and identifying the timeline for the Parks Master Plan.

Planning Manager Rowe informed the Council that the site is shown on the City's general plan as a future park site.

Council Member Cook said that staff has indicated that it would cost \$4.1 million to construct the field with a fully automated irrigation system. She noted that the Youth Sports Alliance is proposing to use water cannons to irrigate the fields. Mr. Ashcraft clarified that the \$4.1 million estimate is for a city standard contract public bid project, built to city standards. If the park is developed per the



Youth Sports Alliance proposal, the cost would be reduced to approximately less than \$1 million (developed similar to the existing soccer complex).

Council Member Chang asked if the city leased the property, would the City need to bring the site into the city? Mr. Ashcraft said that the County would lease the property for 25+ years at \$1 per year. If the City commits to develop, maintain and keep the site as a park in perpetuity, there may be some reasons to acquire the site and bring it into the city. He was not sure if this would be possible as the property may have been donated to the county and that there may be a restriction that the site would always remain a county park versus another type of park. He indicated that the county would like to see the site developed as a park but that they do not have the funding to do so.

Council Member Chang said that whether \$1 or \$4 million is spent to develop the site, she asked staff where the money would come from? Mr. Ashcraft responded that funds are set aside in the Redevelopment Plan amendment to build a sports complex. An issue that needs to be addressed is spending Redevelopment Agency monies on County property.

Interim City Manager Tewes said that staff has been advised that it is possible to use Redevelopment Agency monies if the appropriate findings can be made to construct a visioning project.

Mayor Kennedy opened the floor to public comment.

Gavin Daprile, 19078 Cheyenne Court, President of Coyote Estates Homeowners Association (HOA), supported including the Malaguerra site as part of the Parks Master Plan process. However, there is a difference in opinion on how the park should be developed. He said that the general response from area residents and users of the county bike trails is that they do not support a ballfield and that they would like to see an alternative use. He presented the Council with an alternate park proposal, one supported by area residents. It is felt that a passive use would compliment the adjoining bike trails. The park would have a riparian expansion zone, equestrian trails, a meandering trails, picnic sites, use of shade trees and shrubs, installation of an irrigation system, and decorative fencing. As more funds become available for maintenance and new amenities, they can be added, including a par course trail, including the restoration of land. He indicated that the homeowners association opposes the Youth Sports Alliance plan for a sports complex on this site. He expressed concern with traffic impacts associated with up to 2,000 players using the facility on the weekends. Also, of concern is increased graffiti, litter and gang activities. He asked who would be responsible for emergency responses, the county or the city and inquired as to the response time? He recommended that a park be made available to the entire community and not a select group. He inquired about the following: What will the increased traffic be if a regional 10 tournament ball park is built? Would the Council like to personally live near such a site? How will such a facility impact the immediate neighborhood? How is Morgan Hill going to maintain the site? Will this result in other services being cut? Does the city want to stay quiet or does the community want to attract families from other communities to use the facility on weekends? Are the existing ballfields being used efficiently? Will Morgan Hill residents have a priority to the use of the fields or will the priority go to tournaments? Who would be responsible for scheduling the use of the fields, the Youth Sports Alliance or the City? What assurances does the neighborhood have that this does not become a Twin Creeks park? He requested that the Council approve the development of the site through the Parks

Master Plan process and urged the Council not to convert the site to a sports complex.

Evelyn Heinrichs, 19246 Donna Court, indicated that she is the Vista Del Loma contingent of concerned neighbors. She requested that the following criteria be a part to any consideration of the Malaguerra site: 1) a careful study be conducted of the impacts associated with the Boys Ranch in terms of risks associated with runaways, juveniles involvement with the crowd, and the ability to cross the creek into a residential neighborhood. 2) Police and fire protection be determined so that there is no question who will be protecting this area. 3) The inclusion of a minimum of two individuals of the neighborhood to be involved in the planning. 4) Any use decided upon require a mandatory "no change" clause for a period of 15 years.

Jerry Clark, 1626 Morning Star Drive, felt that a sports complex would hinder the growth of the wildlife population and the enjoyment that a lot of individuals are experiencing at this time. He indicated that the homeowners are not opposed to a sports complex in Morgan Hill, but not at the Malaguerra site because it would jeopardize a treasure that is unique to Morgan Hill. He requested that the City retain Malaguerra in its natural state and that it be developed through the County. He indicated that area residents are concerned with the increased impacts associated with traffic congestion/speed, noise and graffiti.

Karen Higgins, 19248 Donna Court, a 21-year Morgan Hill resident, stated that she moved to Morgan Hill because of her animals. She felt that Morgan Hill was starting to look like Santa Clara and San Jose with no open space, fields or trees. She agreed that sports are important to children. However, she did not believe that all children were into sports. With the development of Cisco, more and more of the open space and wildlife would disappear. She recommended that the Sobrato site be considered as an alternative site for a sports complex should the high school not develop on the site.

Kenneth Baylot, 19069 Cheyenne, stated that he enjoys this beautiful community and that he likes his scenic views of the hills and dam. He noted that the Malaguerra site abuts residential development. He requested that the Council take into consideration that there are several uses that would benefit the community as a whole and that the quality of life of the neighborhood be taken into consideration.

Michelle Morehead, 1525 Kennebec Court, stated her support of the Coyote Estates neighborhood and Mr. Daprile's park proposal as it would benefit residents of all ages. She requested that the wildlife and native trees and shrubs be protected.

Martine Kapetanic, 1055 Appian Way, responded to the 10 questions asked by Mr. Daprile in his guest column to the Morgan Hill Times as follows: 1) It is proposed to build 6-10 fields to be used between 4:00-7:00 p.m. Monday through Saturday and would not create any more traffic than is created by area residents who commute to work. 2) The Youth Sports Alliance has agreements with the sports organization to maintain the field. 3) She noted that during the Visioning Process, recreation was voted the number one priority in which to spend Redevelopment Agency monies. 4) She felt that it was good business to attract out of town visitors to the city. 5) She agreed that the open space should be protected in Morgan Hill. 6) She felt that the existing ballfields are overused. 7) There are potential sites for additional fields or complexes and that there is interest by more than one party for the same land. It was her belief that this will drive up the price of the land. 8) She

noted that the sports group using the facility reside in Morgan Hill and draw families from San Martin. Therefore, it was her belief that this would be a community facility. 9) She said that it would be the Parks and Recreation's responsibility for scheduling. 10) She stated that the only impact that the fields would have on the neighborhood is the traffic generated by parents dropping off/picking up their children. She requested that the Council consider that this facility would be a community park, not just a private neighborhood park and that it consider the majority of citizens in Morgan Hill and not a vocal minority.

Lisa Alvarez, 1616 Morning Star, stated that the use of the fields by over 2,000 individuals does not equate to the same commute traffic to and from work. She felt that the ballfields would generate more traffic and felt that it was high handed to believe that parents are not under pressures and would not speed. She said that bad congestion problem exist in the neighborhood and noted the bottleneck that is created by the freeway. If this is to be a community park, why is it being stated that it would be good business for the hotels and motels? She said that while this type of uses start out as small proposals, history has shown that development can become grandiose. She noted that at a Parks and Recreation Commission meeting, residents from all over the community felt that there is not a need for spending monies on a regional facility. The proposal by the Morgan Hill Sports Alliance would necessitate a regional facility in order for them to be able to maintain the facility that is being proposed. She urged the Council to consider the uniqueness of the community. She said that the proposal presented by the Coyote Estates Homeowners Association deserves equal attention. She urged the Council not to fund the sports facility but instead, consider all proposals for the Malaguerra site and include it in the Parks Master Plan so that more individuals from the community can have a say.

Ron Guzman, Board Member of the Morgan Hill Youth Sports Alliance, President of the Morgan Hill Volleyball Coalition and the new site director for the United States Youth Volleyball League, stated that what is being proposed is an open park where individuals will be present during the day, minimizing security offenses. He requested that the City Council consider this park as part of the Parks Master Plan or that it be expedited to some degree.

Manny Alvarez, Coyote Estates resident, stated that when he moved to Morgan Hill nine years, it was due to Morgan Hill being a quiet bedroom community. He stated that the community fought to maintain fire and police services. Rural residents do not see the benefits of having services because they want to keep their neighborhoods quiet and maintain the rural atmosphere. It was his understanding that there is only one facility similar to the proposed complex, the Twin Creeks facility. He did not believe that the community want a sports complex.

Rick Page, Chairman of the Parks and Recreation Commission, requested that the Council follow the recommendation of staff and the Parks and Recreation Commission and not take the Malaguerra site out of the Parks Master Plan process.

John Telfer stated that he has been involved in youth sports coaching in Morgan Hill for many years. He said that a facility is proposed for Morgan Hill youth and adults first and foremost, not a regional park. He requested that staff and the experts be directed to study and return with their findings relative to the Malaguerra site, including the neighbors suggestion for a passive park. He said that

the Visioning process undertaken four years ago was the most diverse process of receiving opinions from the various segments of the community, noting that at the top of the list was a youth sports complex and recreational activities, not passive or neighborhood parks. He recommended that the City reevaluate portions of Measure P as it relates to parks as neighborhood parks are being built for the sole use of neighborhoods and not the community at large.

Council Member Chang stated that she likes part of the plan submitted by the area residents which includes bike and hiking trails. She recommended that the two groups meet to reach a compromise.

Mr. Telfer recommended that both groups meet and try to reach a compromise. He said that smaller, poorer cities offer facilities that are better than what exist for Morgan Hill residents. He felt that it was time to move on with the Visioning projects.

John Varela, Chairman for the Morgan Hill Youth Sports Alliance, distributed to the Council the youth organization that the Youth Sports Alliance represents (Morgan Hill Pony Baseball, Spirit and Pride softball leagues, Orchard Valley Youth Soccer, Morgan Hill Volleyball Coalition and aquatic members). The Youth Sports Alliance is proposing the use of the Malaguerra site because it is available. He stated that last Friday was the first time that he was shown the proposal as set forth by the Coyote Estates Homeowner's Association. He felt that it was a good plan and that it has a lot of merit. He stated that he was not opposed to sitting down with the Coyote Estates Homeowners Association to come up with a win-win solution for the entire community. He indicated that the Youth Sports Alliance is proposing a public-private joint venture as was seen with the development of the soccer complex.

Council Member Cook was unclear what is being requested of the Council this evening because it is being recommended to direct staff to pursue the development of the Malaguerra Park site as a part of the Parks Facilities and Recreation Programming Master Plan. She said that her idea of a master plan is that general concepts are discussed and evaluated to see if the different types of recreational facilities work together. The action before the City Council offers specific actions. If this is the case, she wanted to understand why this project was leap frogging other projects and moving ahead before the evaluation of a master plan.

Interim City Manager Tewes clarified that staff's recommendation is to pursue the master plan approach and that staff was contrasting it to the alternative which would be to take the Malaguerra park site outside of the Master Plan and proceed as a separate matter. Staff is recommending that the potential uses of the Malaguerra site be considered as part of the master plan. Staff was responding to a series of questions previously raised by the City Council. If the City Council wanted to pursue the site as a separate item, staff was identifying the cost to do so and addressing some of the comments. Staff is not recommending the development of a specific plan at this time.

Council Member Cook said that it is exciting that there is a citizens group that have pulled together and want to partner with the city on recreational opportunities. She does not deny that there is a strong desire for recreational opportunities in the city. She expressed concern with making an investment on a facility that is not located within the city and will not provide permanent facilities to

the City. She recommended that facilities be developed within the city's boundary so that they will remain in the community for the next several years. She stated that she attended one of the Parks and Recreation Commission Saturday meetings and heard that many of the community members were not particularly interested in serving individuals outside the community. She expressed concern that with unrestricted fields, Morgan Hill citizens would be competing against County residents for the use of the fields. She stated that she would like to see Morgan Hill's dollars first serve its residents. She did not believe that the proposed use is consistent with this area and that she was not sure if the Coyote Estates' park alternative would be one that she could support at this time. She noted that the city has spent over \$600,000 on four softball fields in Community Park. She felt that this was an accomplishment that will provide ball fields in the near future for tournament play.

Council Member Sellers stated that an issue that is raised repeatedly is the critical need for recreational facilities. He said that he would like to figure out a way to provide some sort of facility in the short term for the youth of the community. He was pleased to see that discussions and consideration is being given as to what will eventually be built at the Malaguerra site. He felt that the city will end up with a facility that everyone in the community will enjoy and be comfortable with by the end of the Master Plan process. He felt that there is such an acute need for facilities in the community that he did not believe that there will be an opportunity for individuals outside the community to use the facility nor does he see an interest in developing the site into a broader use. He recommended that the two groups present this evening and the community indicate whether there is a recreational component that they would support in the long term. He was pleased to see that both parties agree that the Malaguerra site needs to proceed through the Parks Master Plan process. He recommended that staff continue to pursue with the County an agreement so that when there is a final determination in the Parks Master Plan process, development of the site can proceed.

Interim City Attorney Leichter said that staff has been holding off on the lease pending Council action this evening. She said that staff will pursue a more generalized lease or an option to lease the property from the County (the right of first refusal).

Council Member Chang said that she has reviewed the plans proposed by the Homeowners Association. She expressed concern with park maintenance. Should this park become a park in the future, she asked if the homeowners association would be willing to assist with the maintenance of the park? Mr. Daprile responded that the homeowners would agree to work with the city to do what it can and that a commitment would be identified as part of the master plan process.

Mayor Pro Tempore Tate expressed frustration because the Visioning process found that recreational facilities were a top priority in the community. Also of concern is the time that it takes to proceed with the development and construction of said facilities. He said that the process that staff has laid out in terms of the Park Master Plan is one that the Council agrees as being the right approach in order to define the needs and the best way to meet these needs. He noted that it was indicated that the Youth Sports Alliance would agree to continue discussions with the neighbors to find a solution. He felt that these discussion could be factored into the Park Master Plan process.

Mayor Kennedy noted that there are groups representing the homeowners association and the Youth Sports Alliance who represent strong segments of the community. It was his belief that the Park

Master Plan is the best way to proceed to ensure public involvement in the process. He supported staff's recommendation to include this site as part of the Park Master Plan, keeping the Malaguerra site as one of the viable options for a facility space needs.

Council Member Chang concurred with Council Member Sellers that there should be continued discussions with County staff. She also agreed that the park should be used either as a passive park or as a sports complex. As a supporter of the soccer complex several years ago, she noted that the neighbors did not support it initially. Meetings were held with neighbors and that the result was a win-win situation. She stated that she hopes that this also results in a win-win situation. She would like to proceed with the Park Master Plan and recommended that the two groups continue to meet to come up with a solution that they would both support.

Judy Calhoon asked if the City would be using the same environmental report that was conducted several years ago? Mr. Tewes indicated that the Parks Master Plan would have its own environmental review documents.

John Varela indicated that the Youth Sports Alliance was seeking input from the entire appointed and elected officials as well as community input. He recommended that a member of the City Council and a member of the Parks and Recreation work with both groups to assist mitigate issues of concern.

**Action:**        *The City Council **Received** Status Update*

**Action:**        *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **directed** Staff to Pursue the Development of the Malaguerra Park Site as a Part of the Parks, Facilities and Recreation Programming Master Plan. Staff was further **directed** to facilitate an agreement with Santa Clara County.*

Council Member Cook stated that as the Malaguerra site is designated as a park site in the City's General Plan, she was not opposed to working through the process as long as it is not a specific endorsement of how the park is to be developed. It was her hope to evaluate the Park Master Plan for the entire city and to choose the appropriate facilities when the Council reviews the bigger picture.

Mayor Kennedy supported the establishment of a one or two member City Council subcommittee to serve on the Parks Master Plan similar to what was done with the General Plan update. He requested that staff return with the formation of a subcommittee who would participate in the Parks Master Plan process as a future agenda.

Council Member Cook said that she is aware of several communities that have successful recreational programs who tax themselves through a recreational assessment district or a utility tax to protect these interests. She noted that this community is adverse to being taxed and that this may be a reason why this community does not have recreational facilities.

## **PUBLIC HEARINGS:**

**14. ANNEXATION, ANX 99-01: WEST MIDDLE-ROCHA/VIERRA (APN 779-03-133 & 134) - Resolution No. 5373**

Planning Manager Rowe presented the staff report. In response to Council Member Cook's question, he indicated that the rezoning included the requirement relating to minimum lot sizes and subsequent divisions.

Mayor Kennedy opened the floor to public comment. No comments being offered, the public hearing was closed.

**Action:** *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5373, Approving the Alteration of Boundaries.*

**OTHER BUSINESS: (Continued)**

**15. BEVERAGE CONTAINER RECYCLING FUNDING - Resolution No. 5374**

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:** *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5374, Authorizing the City Manager to Request Funding.*

**16. SPARE THE AIR PROGRAM PARTICIPATION - Resolution No. 5375**

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:** *On a motion by Council Member Chang and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5375 in Support of the Bay Area Clean Air Partnership's (BayCAP) Efforts in Improving the Bay Area's Air, amending Category 4 to indicate that the adoption of a lawn and garden utility equipment policy that restricts the use of this equipment on Spare the Air Days would only apply to publicly-owned lands and that this is not a city-wide policy.*

**17. CONSIDERATION OF A COUNCIL MEMBER LIAISON TO THE HISTORICAL SOCIETY**

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Tabled** this item.*

**18. REQUEST FROM SAN BENITO COUNTY BOARD OF SUPERVISORS RELATING TO DEVELOPMENT OF THE COYOTE VALLEY RESEARCH PARK**

Mayor Kennedy indicated that he received a call from San Benito County Planning Director Rob

Mendiola. Mr. Mendiola extended an apology for he and Chairman Cruz's inability to attend the meeting this evening. It is being requested that the City Council agree to be part of the discussions relating to development of the Coyote Valley Research Park.

Mayor Pro Tempore Tate agreed to undertake dialogue with San Benito County but that it be made clear in the City's response that a commitment to participate in a regional alliance is not being made at this time.

Council Member Chang stated that she would need to determine whether it would be beneficial for the City of Morgan Hill to join the alliance.

Council Member Cook stated that she also received a call from Mr. Mendiola and discussed the level of commitment being requested. She stated that San Benito County may want to take this issue further than what the City of Morgan Hill is willing to do. She informed Mr. Mendiola that the City would agree to participate in initial discussions.

Council Member Sellers noted that a resident speaking before the City Council this evening on the Malaguerra issue stated that individuals moved to this community for its rural nature that cannot be found to the north. He felt that the issue of housing types also applies to San Benito County and thus one of the many ways in which the City shares some common grounds.

Mayor Kennedy stated that Mr. Mendiola suggests that city staff work with their staff.

Council Member Chang stated that she would support staff working with San Benito County staff as long as the City does not commit to anything.

Council Member Cook said that the City sent a letter to the City of San Jose, noting that the letter addressed the technical short comings of the EIR and some of the City Council's feelings. She noted that the City of Morgan Hill has not received a response from the City of San Jose on these issues. She said that the City may feel differently about the request when Morgan Hill receives a response from the City of San Jose. She said that at this point, the City of Morgan Hill is following the process.

Mayor Pro Tempore Tate did not believe that it was necessary to prepare a written response to San Benito County as discussions have already occurred. If the City Council agrees to respond to San Benito County in the form of a letter, he recommended that the letter be mildly stated that the City would agree to explore the issue before a position is stated.

Mayor Kennedy recommended that staff make contact via phone to Mr. Mendiola.

**Action:**        *On a motion by Council Member Sellers and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0) **Directed** staff to make contact with San Benito County.*



## ***City Council & Redevelopment Agency Action***

### **CONSENT CALENDAR:**

Council Member Tate requested that Consent Calendar Item 19 be pulled from the Consent Calendar.

**Action:**        *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Item 20 as follows:*

**20.    SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 7, 2000**

**Action:** ***Approved** the April 7, 2000 minutes as written*

**19.    SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 5, 2000**

**Action:**        *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-) **Continued** the approval of the April 5, 2000 minutes and **Directed** staff to include comments from the public relating to the closed session held on the Our Father's House.*

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

**22.    AMENDMENT TO CONTRACT WITH THE H.O.M. GROUP**

**Action:**        *On a motion by Vice-chairman Sellers and seconded by Agency Member Chang, the Agency Commission unanimously (5-0) **Authorized** the Executive Director to Amend the Contract with the H.O.M. Group in an Amount Not to Exceed \$5,600.*

**Action:**        *On a motion by Council/Agency Member Chang and seconded by Council/Agency Member Cook, the City Council unanimously (5-0) agreed to extend the meeting beyond 11:00 a.m.*

### **CLOSED SESSION:**

Interim City Attorney Leichter announced the following closed session items.

**1.**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Legal Authority:

Government Code 54956.8 & 54956.9(c) (1potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)

City Negotiators: Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel

Closed Session Topic: Potential Litigation

**2.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case)

Attendees: Agency Board; Interim Executive Director; Interim Agency Counsel; Director of Business Assistance and Housing Services; Chief of Police, and William Strausz, special counsel

**3.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION**

Legal Authority: Government Code Section 54956.8

Real property(ies) involved: *The Father's House*, First United Pentecostal Church  
APN 767-18-044  
271 West Edmundson Avenue

Agency Negotiators: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager

Closed Session Topic: Acquisition of Real Property

**4.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION**

Legal Authority: Government Code Section 54956.8

Real property involved: Apostolic Assembly of Faith Church Property  
APN 726-13-002  
17060 Monterey Road, Morgan Hill

Agency Negotiators: Mayor/Chairman, City Council/Agency Members, Interim City Manager/Interim Executive Director, Director of Business Assistance & Housing Services

Closed Session Topic: Acquisition of Real Property

**5.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Legal Authority: Government Code 54956.9(a)

Title of Case: Larry Farrow v. Paradise Motel et al.

Case No. C99-20527 JW-EAI

Attendees: Council Members; Interim City Manager; Interim City Attorney, Police Chief

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were noted.

**ADJOURN TO CLOSED SESSION**

Mayor Kennedy adjourned the meeting to closed session at 11:02 p.m.

**RECONVENE**

Mayor Kennedy reconvened the meeting at 11:57 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Interim City Attorney Leichter announced that no reportable action was taken on Closed Session Items 1, 3 and 4 and indicated that Closed Session Items 2 and 5 were continued to April 26, 2000.

**ADJOURNMENT:** There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 11:59 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, City Clerk/Agency Secretary**